United Nations S/2002/204

Security Council

Distr.: General
4 March 2002

Original: English

Letter dated 26 February 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Kyrgyzstan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-27017 (E) 300402 070502

Annex

Letter dated 25 February 2002 from the Permanent Representative of Kyrgyzstan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit to you herewith a report from the Government of the Kyrgyz Republic concerning its stance on terrorism and the counter-terrorism measures it has taken, submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

(*Signed*) Kamil **Baialinov**
Ambassador
Permanent Representative

Enclosure

[Original: Russian]

Report by the Kyrgyz Republic to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001)

I. Introduction

The Kyrgyz Republic condemns terrorism in all its forms. Terrorism constitutes a threat to international peace and security.

The Kyrgyz Republic understood the need to combat international terrorism even before the terrorist acts committed on 11 September 2001. Instability in Afghanistan is one of the main threats to the Central Asian region. In addition to the accusations of Islamic fundamentalism, international terrorism and drug trafficking made against the Taliban movement, Afghanistan is blamed for supporting fighters from the neighbouring countries of Central Asia, particularly, the Islamic Movement of Uzbekistan (IMU), whose fighters attempted, in 1999 and 2000, to break through the southern borders of Kyrgyzstan in order to establish an Islamic state in the Fergana Valley.

Over the past two years, Kyrgyzstan has itself become a sort of security buffer for the countries of Central Asia, having protected, at the cost of the lives of its soldiers, not only its own borders, but also the stability of the other countries in the region. This demonstrates that the stability of the remaining countries of Central Asia depends, to a considerable extent, on the security of Kyrgyzstan.

The Government of the Kyrgyz Republic unconditionally condemned the barbaric terrorist acts which were carried out on 11 September 2001 in the United States of America and led to the deaths of a large number of completely innocent people and enormous material damage. Kyrgyzstan declared its firm and total condemnation of such actions and its commitment to the cause of taking measures and specific actions required at the national, regional and international level in order to combat that evil. This was followed by practical steps taken by Kyrgyzstan participating in the anti-terrorist coalition in ways that are in keeping with the national interests of Kyrgyzstan, its allies in the region and the Commonwealth of Independent States (CIS).

The Government of the Kyrgyz Republic took a decision to deploy in its territory forces of the anti-terrorist coalition participating in Operation Enduring Freedom.

The Government of the Kyrgyz Republic continues to believe firmly that the United Nations is playing a lead role in the global efforts to combat international terrorism. On this basis, the Government of the Kyrgyz Republic welcomed the adoption by the Security Council on 28 September 2001 of resolution 1373 (2001) and attaches priority to its implementation.

This report was prepared with account taken of the guidelines concerning the submission of reports in accordance with paragraph 6 of resolution 1373 (2001) and is the result of coordinated work by the Government departments responsible for drawing up, carrying out and monitoring the implementation of national measures to counteract all manifestations of terrorism.

In this connection, the Kyrgyz Republic has provided below information on the actions and measures which have been carried out or are planned to be carried out in our country, and also on the existing legal framework for the purpose of counteracting terrorism in fulfilment of the obligations concerning all States Members of the United Nations, which is set forth in paragraphs 1, 2 and 3 of resolution 1373 (2001). Additional information is also provided in the last chapter.

II. Implementation

Operative paragraph 1

Subparagraphs (a) and (d) — what measures have been taken by Kyrgyzstan to prevent and suppress the financing of terrorist acts?

Under article 12, paragraph 3, of the Constitution of the Kyrgyz Republic, **ratified international treaties** and other norms of international law are an integral and directly enforceable part of the legislation of the Kyrgyz Republic.

Kyrgyzstan is a member of the Shanghai Cooperation Organization, in whose framework the draft Shanghai Convention on Combating Terrorism, Separatism and Extremism was drawn up. The Convention was approved by order No. 177 of 6 June 2001 of the President of the Kyrgyz Republic. One of the paragraphs in the Convention provides for the taking of measures to prevent, detect and suppress the financing and supply of weapons and materiel to persons and (or) organizations linked, in one form or another, to terrorist activities.

In addition, on 12 April 2000, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan concluded the agreement on joint action to fight terrorism, political and religious extremism, transnational organized crimes and other factors threatening stability and security, which also provides for the carrying out of a set of measures aimed at combating the financing of terrorist acts.

The Kyrgyz Republic ratified the Treaty on Cooperation between the CIS States Members in Combating Terrorism, of 4 June 1999, which provides for the exchange by the competent bodies of the States concerned of information on questions of mutual interest, including detected and suspected channels for the financing and illegal supply in the territory of their States of weapons and other means which may be used in order to carry out terrorist acts. After receiving such information, the competent bodies of the States will take appropriate measures.

On 12 April 1996, the Governments of the CIS States members concluded the Agreement on Cooperation in Combating Economic Crimes, which provides for the carrying out of activities to combat the laundering (legalization) of income obtained by criminal means. The parties will conduct cooperation on the basis of the provisions of this Agreement and observe each State's legislation and international

obligations. The provisions of this Agreement may, in certain cases, apply to the financing of terrorist acts.

At the present time in Kyrgyzstan, the **Act "on counteracting the legalization (laundering) of income obtained by criminal means"** has been drafted and is at the adoption stage (it was drawn up by the National Bank of the Kyrgyz Republic).

Among the questions to be regulated by this Act, there are provisions on preventing the use of the country's financial system in order to legalize (launder) any illegally obtained income, which, in certain cases, may be applied also to the financing of terrorist and extremist organizations. The General Prosecutor's Office of the Kyrgyz Republic has put forward proposals and comments concerning the draft. At the present time, it is being considered by the Government of the Kyrgyz Republic.

In addition, prior to the adoption and entry into force of the aforementioned Act, **a draft President's decree "on measures to prevent the use of the Kyrgyz Republic's financial system for the legalization (laundering) of funds obtained by illegal means and to prevent the financing of terrorism"** was drawn up. In November 2001, the General Prosecutor's Office prepared agreed proposals on the draft decree.

The draft decree provides for the mandatory monitoring of operations involving monetary assets and other property in order to prevent the financing of terrorism, a procedure for demanding and providing information and documents related to the detection of operations aimed at legalizing (laundering) funds obtained by criminal means; the creation of an effective system of protection against operations linked to the legalization (laundering) of funds obtained by criminal means, a procedure for providing information on operations subject to mandatory monitoring, and other provisions that, together with the Act "on counteracting the legalization (laundering) of income obtained by illegal means", promote the development of an effective mechanism for preventing and suppressing the legalization (laundering) of funds obtained by illegal means and the financing of terrorist units in the Kyrgyz Republic and beyond its borders.

Subparagraph (b) — The introduction of criminal liability for the deliberate provision or collection of funds in order to commit terrorist acts

The provisions of the Criminal Code of the Kyrgyz Republic relating to "money-laundering" (article 183 of the Criminal Code — "legalization of monetary assets or other property acquired by illegal means") may, in certain limited cases, be now applied in order to counteract the financing of terrorist acts.

In addition, in accordance with the Act "on banks and banking activities", the National Bank of the Kyrgyz Republic has been granted the right to supervise banks also for the period in which investigations of "money-laundering" are conducted; through the National Bank of Kyrgyzstan it is possible to freeze funds suspected of belonging to terrorist organizations.

Accordingly, in order to carry out its functions related to the regulation of banking activities, the Bank of Kyrgyzstan has the right to take such active measures as:

- Monitoring the activities of banks, their branches and affiliated banks or entrusting such monitoring to independent auditors or auditing firms;
- Applying the precautionary measures and sanctions provided for under banking legislation;
- Temporarily suspending or prohibiting specific banking operations;
- Temporarily suspending or revoking banking licences;
- Initiating liquidation of insolvent banks in accordance with bankruptcy legislation.

The legislation of the Kyrgyz Republic also **establishes a restriction on certain types of banking operations** (the Act "on banks and banking activities").

Accordingly, the National Bank of Kyrgyzstan may decide to suspend or restrict certain types of banking operations if the Bank of Kyrgyzstan uncovers in the activities of any bank, its branches or affiliated banks (companies) or bank holding companies violations linked to:

1. Involvement of a bank in untrustworthy or improper practices in conducting its operations or if the Bank of Kyrgyzstan has sufficient grounds to assume that a bank may be involved in such activities;

2. A breach of banking legislation or economic norms or if the Bank of Kyrgyzstan has sufficient grounds to assume that a bank may in the future violate banking legislation, or normative acts of the Bank of Kyrgyzstan or its regulations.

National legislation (in particular, the provisional procedure for revoking the licences of banks to conduct banking operations in the Kyrgyz Republic and for the liquidation of banks, which was adopted by decision No. 5/7 of 25 February 1997 by the Board of the National Bank of the Kyrgyz Republic), gives the National Bank the right to revoke banks' licences in cases involving:

- Participation in or abetting criminal activity;
- Operations that are prohibited under legislation in force;
- Failure to meet the requirements of banking legislation.

The aforementioned provisions of national legislation make it possible to freeze funds that are suspected of belonging to terrorists, suspend or revoke the licences of banks involved in such illegal activities, and suspend the operations of banks that use funds obtained by criminal means or for the purpose of financing terrorism.

The National Bank of the Kyrgyz Republic has carried out a series of measures to prevent the use of the Republic's banking system for the financing of international terrorism:

1. On 16 October 2001, the Chairman of the National Bank, U. Sarbanov, held a meeting with directors of commercial banks in the Kyrgyz Republic, at which they were informed about the possible use of bank accounts for the financing of

terrorist operations and about the requirement to take appropriate measures to strengthen the monitoring of operations that fall into the category of suspicious operations, and instructions were provided with regard to identifying them;

2. In addition, lists of terrorists and international terrorist organizations provided by the Embassy of the United States of America in the Kyrgyz Republic were sent to commercial banks;

3. From 22 to 26 October 2001, the National Bank conducted special (special purpose) checks in all commercial banks in order to detect bank accounts of international terrorist organizations and persons indicated on the aforementioned list;

4. Within the framework of combating money-laundering, the National Bank drew up a draft act of the Kyrgyz Republic "on counteracting the legalization (laundering) of income obtained by criminal means", which is currently being considered by the Kyrgyz Government.

Operative paragraph 2

Subparagraph (a) — What legislation prohibits recruitment to terrorists groups and the supply of weapons to terrorists?

In accordance with existing criminal legislation, the recruitment of persons is considered a crime if it is conducted in order to involve such persons in the commission of criminal acts and is punishable by imprisonment for up to five years; in cases in which this offence has caused injury to the life and health of a person, it is punishable by imprisonment for up to 10 years. Under the Criminal Code of the Kyrgyz Republic, terrorism is defined as "carrying out an explosion, arson or other acts that create the danger of loss of life, cause extensive property damage or lead to other publicly dangerous consequences, if these actions are committed in order to breach public security, frighten the population or influence the taking of decisions by the Government bodies, and also the threat of these actions for such purposes".

In accordance with the criminal legislation of the Kyrgyz Republic in force, the following are subject to prosecution and punishment as crimes: terrorism (article 226 of the Criminal Code), mercenarism (article 375 of the Criminal Code), the organization of an illegal armed unit or participation in it (article 229 of the Criminal Code), the organization of a criminal association (article 231 of the Criminal Code), the illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosive substances and explosive devices (article 241 of the Criminal Code), the illegal manufacture of weapons (article 242 of the Criminal Code), and the theft or extortion of firearms, ammunition and explosive substances (article 245 of the Criminal Code).

In accordance with article 375 of the Criminal Code, "**the recruitment, training, financing or other material assistance for a mercenary**, or the use of a mercenary in an armed conflict or military operations" are punishable by imprisonment for up to eight years. The same acts carried out by a person using his official position or in respect of a minor are punishable by imprisonment for up to 15 years with confiscation of property.

The illegal creation of an armed unit (association, detachment, militia unit or other group), leadership of such a unit or participation in it are punishable by imprisonment for up to seven years (article 229 of the Criminal Code).

The creation of a criminal association (criminal organization) in order to commit serious or particularly serious crimes and also leadership of such an association (organization) or its component structural subdivisions, and also the establishment of an association of organizers, leaders or other representatives of organized groups for the purpose of drawing up plans and creating the conditions for committing serious or particularly serious crimes is punishable by imprisonment for a period of 10 to 15 years (article 231 of the Criminal Code).

Criminal liability has been established for "**the illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosive materials and explosive devices**" (which are punishable by arrest for a period of six months or imprisonment up to three years with a fine amounting to 200 to 500 times the minimum monthly salary). The same acts, committed by a group of persons on the basis of prior agreement or repeatedly are punishable by imprisonment for a period of two to six years. Acts committed by an organized group are punishable by imprisonment for a period of three to eight years.

In addition, the Act of the Kyrgyz Republic "on weapons" establishes **restrictions on the circulation of civilian and service weapons**.

In particular, the following are prohibited in the territory of the Kyrgyz Republic:

1. The circulation as civilian or service weapons of:

- Firearms with a magazine (cylinder) capacity of more than 10 rounds and a barrel length or a barrel length with breech of less than 500 mm and an overall weapon length of less than 800 mm and also firearms whose construction makes it possible to reduce its length to less than 800 mm without losing the capability of shooting;
- Firearms whose shape is designed to resemble other objects;
- Smooth-bore firearms manufactured to use cartridges for firearms with grooved barrels;
- Bludgeons, knuckledusters, boomerangs and other specially adapted objects to be used as weapons for striking, smashing and throwing, except for sporting equipment;
- Cartridges with armour-piercing, incendiary, explosive or tracer bullets, and cartridges with small-shot shells for gas pistols and revolvers;
- Weapons and other objects whose lethality is based on the use of radioactive radiation and biological factors;
- Gas weapons loaded with nerve-paralysing, poisonous and other substances that are not permitted for use by the Ministry of Health of the Kyrgyz Republic, and gas weapons capable of causing serious harm to the health of persons at a distance of more than one metre;

- Weapons and cartridges for them which have technical characteristics that do not correspond to the criminalistic requirements of the Ministry of Internal Affairs of the Kyrgyz Republic which were agreed with the State Standardization, Metrology and Certification Agency of the Government of the Kyrgyz Republic (hereinafter referred to as Gosstandart);

- Barrelless firearms for self-defence, electric-shock devices and spark dischargers with output parameters exceeding the magnitudes established under State standards;

- Cold-steel edged and pointed weapons and knives, points and blades which are automatically released from handles by pressing a button or lever and are fixed by them or are brought out by the force of gravity or a speedy movement and are automatically fixed, with a blade length of more than 90 mm;

2. The storage and use, away from sport facilities, of sporting firearms with grooved barrels or of sporting pneumatic weapons whose muzzle energy exceeds 7.5 J and whose calibre is larger than 4.5 mm, and also sporting cold-steel and throwing weapons, except for the storage and use of bows and crossbows for conducting scientific research and preventive work involving the immobilization and injection of animals;

3. The installation on civilian and service weapons of silencers and night-vision sights (aiming systems), with the exception of hunting sights, the procedure for whose use is established by the Government of the Kyrgyz Republic, and also their sale;

4. The shipping of weapons;

5. The carrying of weapons by citizens during the holding of rallies, street parades, demonstrations, picketing and other mass public events;

6. The bearing of firearms and cold-steel weapons by citizens for self-defence, except in cases involving the transfer or transport of such weapons;

7. Advertising in the mass information media of the Kyrgyz Republic the sale of weapons and ammunition by physical or legal persons not licensed to manufacture or deal in arms;

8. The sale on commission, other than in specialized shops, without a written permit from the authorities responsible for internal affairs, of arms and ammunition not listed in the State register of civilian and service weapons and without the appropriate authorization entitling the owner to keep, or to keep and carry, such weapons.

Article 9, paragraph 7, of the Customs Code of the Kyrgyz Republic provides that the main functions of the Kyrgyz customs authorities are to take action against smuggling, breaches of customs regulations and of tax law relating to goods carried across the customs border of the Kyrgyz Republic, **to suppress the illegal trafficking across the customs border of the Kyrgyz Republic** in drugs, arms, items of artistic, historical and archaeological property, intellectual property, species of animals and plants threatened with extinction and parts and derivatives thereof, and other goods, and also **to assist in combating international terrorism** and preventing illegal interference at airports in the activities of international civil aviation.

Kyrgyzstan also participates in international cooperation to control illegal trafficking in arms at the international and regional levels (within the framework of the Commonwealth of Independent States (CIS), the Shanghai Cooperation Organization and others) and participates, in the framework of agreements concluded, in the exchange of information and in the conduct of special operations to eliminate and suppress criminal activities by transnational criminal associations engaged in arms trafficking.

The Treaty on Joint Action to Combat Terrorism, Political and Religious Extremism, Transnational Organized Crime and Other Threats to Stability and Security, concluded by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan, provides for cooperation in the taking of practical steps to ensure that the territory of those States is not used for the creation of terrorist bases or training camps or for the preparation or organization of terrorist acts directed against other States and their citizens, **and in taking action to prevent the recruitment of persons for participation in the activities of terrorist and other extremist organizations, and the provision of material assistance to the activities of such organizations**.

On 25 August 1999, the participants in the Almaty meeting — the Kyrgyz Republic, the Republic of Kazakhstan, the People's Republic of China, the Russian Federation and the Republic of Tajikistan — made a joint declaration stating that they would take steps to combat international terrorism, organized crime, **the illegal transport of weapons**, illegal trafficking in drugs and psychotropic substances and other forms of international criminal activity and not to permit the territories of their States to be used for the organization of activities prejudicial to State sovereignty, security and public order in any of the five States.

The Dushanbe Declaration of 5 July 2000, signed by the leaders of the member States of the Shanghai Cooperation Organization, binds the States to combat smuggling, the infringement of customs regulations and tax legislation relating to goods transported across the customs border of a State, to suppress illicit trafficking across the customs border of a State in narcotic substances and arms, and also to cooperate in combating international terrorism.

The CIS member States have developed an Inter-State Programme of Joint Measures to Combat Crime and a Programme to Combat International Terrorism and Other Forms of Extremism up to the year 2003, in accordance with which they have joined forces and devised a set of measures directed against the activities of transnational criminal groups, the prevention of crimes in the area of illegal migration, the smuggling of drugs, arms, ammunition and explosives.

The production and repair of and trade in arms and ammunition in the Kyrgyz Republic is carried out on the basis of a specific permit (licence) issued in accordance with the Kyrgyz Republic Act "on Licensing". Act No. 54 of the Kyrgyz Republic of 21 July 1997 ratified the Agreement on the Transport of Special Shipments and Products of a Military Nature of 26 May 1995.

Kyrgyzstan takes part in international cooperation to control arms shipments, inter alia, in the framework of various projects at the international and regional levels, and bilateral cooperation has also been established with the CIS countries and the countries of Central Asia.

Subparagraph (b) — What steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

Kyrgyzstan actively and consistently participates in the exchange of information with other States to prevent the commission of terrorist acts both at the interdepartmental level (at the level of military and law enforcement structures and special services on a bilateral and multilateral basis), and on a multilateral international basis (including Interpol).

Through the National Security Service of the Kyrgyz Republic, there is an ongoing exchange of operational information with the special services of other States in order to prevent the commission of terrorist acts both on a bilateral and on a multilateral basis in the framework of the Central Asian States, the CIS Anti-Terrorist Centre and the Shanghai Cooperation Organization.

On 12 April 1996, the CIS member States concluded an Agreement on the Exchange of Information on the Protection of External Borders, on the basis of which national information systems were set up, and standardized databases were established on questions relating to the protection of the external borders of the CIS member States. The list of types of information for reciprocal exchange between the border troops of CIS member States includes information on the following:

1. Preconditions giving rise to states of emergency which destabilize the situation on the external borders of the CIS member States;

2. External and internal political, military and economic action by non-CIS States on the external borders which have an impact on the security of CIS States;

3. Impending (or completed) transfers across the borders and territory of CIS member States of arms, ammunition, explosives, and radioactive, toxic or psychotropic substances, or other items or goods the import or export of which is prohibited by the domestic laws of CIS member States and by international agreements, and also the channels, methods, means and contrivances used by smugglers and illegal migrants on the border;

4. Persons involved in international drugs trafficking, terrorism and other forms of international crime who are likely to appear at external borders; persons wanted by the police and intending to violate the external borders across the territory of other CIS States;

5. Organizations and groups whose activities across external borders are designed to stir up international conflicts.

In 2001 and 2002, the representatives of the Kyrgyz Republic took part in the work of a number of international forums on combating and preventing terrorism:

Bishkek (Kyrgyzstan), 10-11 October 2001: an extraordinary meeting of the Bishkek Group, the heads of law enforcement bodies and security services of the member countries of the Shanghai Cooperation Organization at which more active cooperation in the fight against terrorism was discussed;

Guangzhou (China), 12-15 November 2001: the work of the Regional Conference of Attorneys-General of countries in Asia and Europe on strengthening cooperation and enhancing the role of prosecution services in combating transnational organized crime, terrorism and extremism.

Delegations from the public prosecutor's offices of over 35 countries throughout the world, including the member countries of the Shanghai Cooperation Organization, the Commonwealth of Independent States, the Central Asian region, Europe and representatives of international organizations, the United Nations and the Organization for Security and Cooperation in Europe (OSCE), took part in the work of the Conference.

Bishkek (Kyrgyzstan), 13-14 December 2001: International Conference on Enhancing Security and Stability in Central Asia: Stepping up Comprehensive Efforts to Counter Terrorism, organized by the Government of the Kyrgyz Republic with the support of OCSE and the Office for Drug Control and Crime Prevention (ODCCP) of the United Nations. Delegations from 50 member countries and 21 international organizations took part in the Conference.

Problems related to international terrorism, which are of the greatest worldwide importance, were discussed at the Conference. Questions of transnational organized crime, drugs, the shadow economy, illicit arms trafficking and a number of other threats that undermine the peace and stability of the entire world community were considered.

Minsk (Republic of Belarus), 29-30 January 2002: the Joint Session of the Coordinating Council of General Prosecutors, the Council of Internal Affairs Ministers, the Council of Leaders of Security Organs and Secret Services, the Council of Commanders of Border Troops, and the Council of Leaders of Customs Services of the CIS member States on improving cooperation in combating crime, terrorism and illicit drugs trafficking.

At those events, joint declarations and bilateral and multilateral agreements were signed on improving cooperation between the security services, on the regular exchange of information on criminal terrorist and extremist organizations, and on the prevention of terrorism.

In addition to international cooperation and the exchange of information, **Kyrgyzstan's domestic legislation includes a number of regulations governing activities to prevent terrorism**.

The Act "on combating terrorism", which has been adopted and is in force in Kyrgyzstan, contains a number of regulations to prevent terrorist activity. In order to expose terrorist activity, the counter-terrorism bodies of the Kyrgyz Republic use all the forces, resources, forms and methods at their disposal as established by law.

For example, in the territory of the Kyrgyz Republic the following are prohibited:

The creation, registration and operation of terrorist organizations;

Activities connected with the advocacy of terrorism;

The entering, leaving or transit across the territory of the Kyrgyz Republic by persons who have taken part in terrorist activities or are suspected of participating in them.

In order to accumulate, summarize and analyse information on terrorist activities and to predict their occurrence, and also to devise individual scientifically based measures to combat such activities, **an interdepartmental databank on the**

problems of combating terrorism is being established by the National Security Service of the Kyrgyz Republic.

The bodies engaged in combating terrorism transmit all available materials on counter-terrorism to the National Security Service of the Kyrgyz Republic (article 7).

A reward is established for providing information to the law enforcement bodies leading to the arrest or conviction of persons who have taken part in terrorist activities as well as the prevention or stopping of a terrorist act, and steps are taken not to publicize information about persons who have provided assistance (article 8).

In suppressing terrorist activities or an individual terrorist act, special measures are used as established by the legislative enactments of the Kyrgyz Republic, including the physical elimination of terrorists (article 9).

On 13 July 2001 the **National Security Concept of the Kyrgyz Republic was adopted** by a decree of the Kyrgyz President.

Under the Concept, the main recognized means of preventing and eliminating transnational threats are:

- Creation of a cordon of security and good-neighbourliness around the borders of Kyrgyzstan based on the principles of equal security and respect for sovereignty and territorial integrity within existing borders;
- Creation and expansion of areas free of all types of weapons of mass destruction;
- Setting up of an essential body of international standards and laws and cooperation with international organizations and with States of the world community in combating international terrorism, extremism and drugs trafficking;
- Improving the system of immigration control, frontier customs control and health monitoring.

The question of opposing religious extremism is closely bound up in our country with the prevention of terrorism.

The General Prosecutor's Office of the Kyrgyz Republic is working on the implementation of a set of measures to combat religious extremism and prevent the politicization of Islam in the Kyrgyz Republic.

The law enforcement bodies have recently revealed a sharp increase in the activities of extremist religious organizations, among the most active of which is Khizb ut-Takhrir, which propagandizes Islamic fundamentalism and advocates the overthrow of the existing constitutional order.

At the present time the Khizb ut-Takhrir movement is extending its influence to an ever-increasing number of population centres, not only in the south but also in the north of the Republic. Militants of the movement have also been active in the Chu and Issyk-Kul regions. The movement actively recruits persons of Kyrgyz nationality, particularly among the needy and most impoverished strata of the population.

The number of crimes involving incitement to religious enmity rises each year.

In Oshsk region alone, in 1999, law enforcement agencies uncovered 11 such incidents and instituted criminal proceedings against 33 individuals. In 2000, criminal charges were brought against 63 individuals.

However, in view of the lack of severity of the applicable punishment, there have been no effective measures adopted to counteract incitement to religious enmity. Indeed, the effectiveness of efforts to counter religious extremism appears to be waning. The existing legal basis thus does not adequately reflect the current state of affairs and is in need of substantial revision.

Accordingly, with a view to preventing the further spread of religious extremism, the Office of the General Prosecutor of the Kyrgyz Republic has communicated proposals to the Office of the President of the Kyrgyz Republic concerning the introduction of amendments and additions to the Penal Code with regard to increasing criminal liability for offences involving religious extremism.

In particular, it has been proposed that the severity of the sanction in **article 299** of the Penal Code of the Kyrgyz Republic should be increased by excluding punishment in the form of a fine and detention up to six months' detention from the list of applicable sanctions, as not being commensurate with the crime.

Furthermore, proposals have been introduced for supplementing the Penal Code of the Kyrgyz Republic with a new article to criminalize the organization of prohibited public associations as follows:

Article 299-1
Organization of prohibited public associations

The organization or resumption of activities of prohibited public associations, as well as active involvement therein shall be liable to punishment in the form of a fine up to fifty times the minimum wage or up to three years' corrective labour or imprisonment.

Subparagraphs (c) and (d) — What legislation or procedures exist for denying safe haven to terrorists and preventing terrorists acting from your territory against other States or citizens?

In Kyrgyzstan, the Act "on the legal status of foreign nationals" regulates the question of granting asylum to foreigners. The granting of asylum is decided by the President of the Kyrgyz Republic.

The bill on refugees currently under consideration by the Kyrgyz parliament (Zhogorku Kenesh) specifies the grounds for refusing entry into the country of individuals whose presence in the Kyrgyz Republic could threaten State security, law and order, public health and decency or the rights and legitimate interests of the citizens of the Kyrgyz Republic.

Moreover, no person may be returned or deported to an area where he is liable to be persecuted on the grounds of his race, religion, nationality, his belonging to a particular social group or his political convictions, or where he would be in danger of capital punishment, torture or other forms of inhumane or degrading treatment, or to an area from which he was liable to be deported to such an area.

In accordance with the **Act "on foreign migration"**, any foreign national or stateless person may be refused entry into the Kyrgyz Republic if he:

– **Is a member of a terrorist organization**;

– Is involved in activities which threaten the security of the Kyrgyz Republic;

– Is a person against whom criminal proceedings have been initiated in the Kyrgyz Republic;

– Has been convicted of committing a crime in the Kyrgyz Republic.

A foreign national or stateless person may be subjected to administrative expulsion if:

(1) Their activities are contrary to the interests of ensuring State security or the preservation of law and order;

(2) Such be necessary to safeguard public health and decency or to protect the rights and legitimate interests of the citizens of the Kyrgyz Republic and other persons;

(3) They have repeatedly and flagrantly violated the law of the Kyrgyz Republic without there being grounds for prosecution.

In accordance with the above-mentioned Act on counteracting terrorism, **the entry into, exit from or transit through the territory of the Kyrgyz Republic of persons who have been or are suspected of having been involved in terrorist activities are prohibited.**

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

Pursuant to article 13 of the Penal Code of the Kyrgyz Republic, **terrorism** (article 226 of the Penal Code) **has been placed under the category of particularly serious crimes** and is punishable by up to 20 years' imprisonment.

In accordance with the Penal Code of the Kyrgyz Republic:

(1) Terrorism, namely the carrying out of an explosion, arson attack or other acts that endanger the lives of people, cause significant destruction to property or other consequences hazardous to the public, if such acts are committed with the aim of undermining public security, terrorizing the population or influencing the decisions of government bodies — including threats to commit the above-mentioned acts with the same aims are punishable by imprisonment for five to 10 years.

(2) The same acts, committed:

(1) By a group of individuals according to prior agreement;

(2) Repeatedly;

(3) With the use of firearms

are punishable by eight to 15 years' imprisonment.

(3) Acts provided for in the first and second sections of this article, if they are committed by an organized group or have caused through carelessness the death of a person, or have other grave consequences, are punishable by imprisonment for 15 to 20 years.

Note:

Criminal liability is waived if a person involved in preparing an act of terrorism gives timely warning to the authorities or by some other means helps to prevent the commission of the act in question, providing that he has committed no other crime.

In accordance with article 227 of the above-mentioned Code:

(1) Abduction of persons or hostage-taking with the aim of forcing a State, international organization, or legal or physical person to carry out or to refrain from carrying out a particular act as a precondition for freeing the hostage is punishable by five to 10 years' imprisonment.

(2) The same acts, if they are committed:

(1) By a group of individuals by prior agreement;

(2) Repeatedly;

(3) By an organized group;

(4) With the use of physical force endangering the lives or health of people, or by threat of murder;

(5) With the use of weapons or other objects that may be used as weapons;

(6) Against two or more persons;

(7) Knowingly against a minor;

(8) Against a woman, whom the perpetrator knows to be pregnant;

(9) For mercenary motives or hiring,

are punishable by eight to 15 years' imprisonment.

(3) Acts envisaged in paragraphs (1) and (2) of this article, if they are committed by a criminal association or have caused through carelessness the victim's death, or have caused serious harm to his health or other grave consequences, are punishable by 12 to 20 years' imprisonment.

Note:

Criminal liability is waived for a person who has voluntarily freed a hostage, providing that he has committed no other crime.

Article 228 of the Penal Code of the Kyrgyz Republic provides that a deliberately false communication concerning an imminent explosion, arson attack or other acts endangering the lives of people or causing significant destruction to property or other serious consequences is punishable by a fine of between 50 and 300 times the minimal monthly salaries, or 180 to 240 hours community work, or detention for three to six months, or imprisonment for up to three years.

In accordance with article 229 of the Criminal Code, the organization of or involvement in an illegal armed grouping,

(1) The establishment of an unlawful armed unit (association, brigade, militia or other group) and the leadership of such a unit are punishable by two to seven years' imprisonment.

(2) Involvement in an armed unit is punishable by up to six months' detention or up to five years' imprisonment.

Note:

Criminal liability is waived for a person who has voluntarily ceased his involvement in an unlawful armed unit and has surrendered his weapons, providing that he has committed no other crime.

With a view to **increasing criminal liability** for terrorism, the Office of the General Prosecutor of the Kyrgyz Republic has submitted proposals to the Office of the President of the Kyrgyz Republic on supplementing article 226 of the Penal Code by including capital punishment, and making the confiscation of property an additional punishment in all sections of the article.

It has also been proposed that **article 226 (terrorism)** of the Penal Code of the Kyrgyz Republic should be supplemented with a new paragraph as follows:

(4) **Technological terrorism**, namely, the use of or threat to use nuclear, radiological, chemical or bacteriological (biological) weapons or their components, pathogenic micro-organisms, radioactive and other substances deleterious to human health, or the seizure, disabling or destruction of nuclear, chemical or other installations with a heightened technological or environmental hazard or essential services in urban and other residential areas, if such acts are committed with the aim of undermining public security, terrorizing the population, influencing the decisions of government bodies, achieving political, mercenary or any other aims, as well as the attempt to commit one of the above-mentioned crimes with the same aims, or the leadership, financing or other involvement as an instigator, accessory or abettor to a person committing or attempting to commit such a crime — are punishable by 15 to 20 years' imprisonment with confiscation of property, or capital punishment with confiscation of property.

Examples of convictions of terrorists

In mid-2001, the prosecutorial authorities of the Kyrgyz Republic prosecuted Ruslan Nurgalievich Abdulin and Ravshan Rakhimdzhanovich Sharipov, nationals of foreign States and members of international terrorist and bandit groups, who were sentenced to capital punishment for organized terrorism, mercenary involvement in military activities, hostage-taking, involvement in a criminal association and unlawful bearing of fire-arms.

Accordingly, on 11 August 2000, the Public Prosecutor of the Batken district of the Batken region initiated criminal proceedings for invasion of the territory of the Kyrgyz Republic by international terrorist and bandit groups.

On 19 August 2000, by joint order of the General Prosecutor of the Kyrgyz Republic and the Minister of National Security, an operational investigative unit was established comprising staff from the Batken garrison military prosecutor's office

and the Ministry of National Security. The military prosecutor's office of the Kyrgyz Republic supervised the handling of the case.

On 6 August 2001, the criminal charges against the accused, Mr. Abdulin and Mr. Sharipov, were finalized, and the case was brought to trial.

Mr. Abdulin and Mr. Sharipov were accused under the following articles of the Criminal Code of the Kyrgyz Republic: article 231, section 2 (involvement in a criminal association), article 241, section 3 (illegal procurement, sale, transportation and bearing of firearms, ammunition, explosives), article 346, section 2 (illegal crossing of the State border of the Kyrgyz Republic by an organized group), article 227, section 3 (hostage-taking by a criminal group), article 97, section 2 (murder with aggravating circumstances), article 226, section 3 (terrorism committed by an organized group) and article 375, section 2 (mercenary involvement in military activities).

Mr. Abdulin, born 20 March 1980 in the village of Aznarino in the Safakulevo district of the Kurgan region of the Russian Federation, a citizen of the Russian Federation of Bashkir nationality with high school education, currently unemployed, previously prosecuted under article 131, section 2, and article 207 of the Criminal Code of the Russian Federation, a bachelor, formerly resident in the village of Aznarino in the Safakulevo district of the Kurgan region of the Russian Federation, was charged with the following:

In the summer of 1999, Mr. Abdulin, unemployed at the time, became involved as a mercenary in a reactionary form of Islam, under the influence of Mr. N. R. Aminev, his senior in years. In September 1999, they together joined a Madrasa in the Tyumen region of the Russian Federation, where Mr. Abdulin studied the Arabic language and the Koran until January 2000, when he was given a new Muslim name "Khamza".

At the Madrasa, he became acquainted with "Abdulzhabar" and "Abdulalim", other Madrasa students, with whom he visited the Republic of Tajikistan in February 2000, staying at a training camp for armed fighters (terrorists).

Ravshan Rakhimzhanovich Sharipov was also trained in this same camp. A Tajik national born on 2 December 1980 in Isfara, Leninabad region, Republic of Tajikistan, Sharipov, a single man, temporarily unemployed, with secondary education and no previous convictions, then resident in Isfara, joined a reactionary Islamic movement, under the influence of a recruiter, a certain "Ali".

The instructors taught them how to fire various types of weapons (submachine guns, grenade throwers, etc.) and trained them to carry out combat operations against the Government troops of Kyrgyzstan, Uzbekistan and other States.

On 27 July 2000, an armed group of approximately 25-30 men, including Abdulin and Sharipov, headed on foot towards the mountains and the borders of the Kyrgyz Republic. Between 27 July and 8 August 2000, this armed group illegally crossed the Tajik-Kyrgyz border and penetrated the territory of the Kyrgyz Republic from the Republic of Tajikistan. By about 8 August 2000, they were already deep within Kyrgyz territory.

In the vicinity of the Dukonok high-mountain pass in the territory of Batken district, Batken region, a scout sent out ahead warned the group that there were soldiers of the Government troops of the Kyrgyz Republic directly on their route,

whereupon the group of fighters hid in a wooded area. Then, the group's leader, "Abdrakhman", having chosen the six most experienced fighters, went off with them; the others remained behind waiting for them.

After about two hours, the fighters who had left returned, bringing with them three captured soldiers of the Kyrgyz army (Sergeant R. A. Ardzhimanov, Sergeant V. G. Nikitushkin and Sergeant K. K. Dzhalalov).

Then, between 8 and 13 August 2000, the aforementioned armed group, which had split up into subgroups of 8 to 10 men, took another seven soldiers of the Kyrgyz Ministry of Defence prisoner. Subsequently, they also captured six foreign tourists.

Sharipov's subgroup, which was led by one "Sobir", captured four American mountain climbers with a view to the possible advancement of their demands.

All the soldiers of the Kyrgyz Ministry of Defence were killed following their capture, with the exception of Sergeant Dzhalalov; his captors tried to kill him, too, but he managed to survive. Miraculously, the foreign tourists and climbers were able to escape. At that moment, Kyrgyz soldiers were already advancing to meet them. They were conveyed to the troop headquarters and subsequently departed for their own countries.

Some time later, Abdulin and Sharipov were captured by soldiers of the Kyrgyz Ministry of Defence and handed over to the Republic's law enforcement authorities.

During the investigation, Abdulin and Sharipov's guilt in respect of the acts imputed to them was corroborated by numerous pieces of evidence relating to the case: their immediate arrest, while armed, at the scene of the fighting; their individual confessions made in the course of the investigation in the presence of defence counsel; the results of expert analyses; the testimony of the victims and witnesses; and much other evidence.

For example, Sergeant K. K. Dzhalalov, who was captured by the fighters, miraculously survived: a submachine-gun bullet passed right through him without hitting any vital organs, and it was possible to save him. It was he who, during the pre-trial investigation and in court, identified the accused and gave exhaustive testimony against them.

In addition, during the fighting, soldiers of the Ministry of Defence's Central Intelligence Department removed a video cassette containing a video recording. It shows fighters at the Talimgokh training camp and their instruction in tactics for carrying out combat operations in mountainous areas. Abdulin and Sharipov are seen in close-up among the fighters. The fighters most probably videoed themselves in order to report later to their leaders and to the persons financing them. This video recording, which was shown to the participants in the trial, also served as important evidence of Abdulin and Sharipov's participation in a criminal association.

Their case was sent for trial.

Abdulin and Sharipov were found guilty of all the charges against them by decision of the Batken garrison military court on 19 June 2001, and they were sentenced to the most severe punishment: the death penalty.

The decision of the court of first instance was upheld by a decision of the Judicial Panel on Criminal Matters of the Military Court of the Kyrgyz Republic on 14 November 2001.

The special services of the Russian Federation and the Republic of Tajikistan provided substantial assistance in completing the investigation of the case. They responded in a high-quality manner to our applications for legal assistance in establishing the identities of the accused and facts of the case of significant interest for the investigation.

In February 1999, requests for the extradition of the Kyrgyz passport holder, I. Akhmetov, and the Chinese nationals Askar Tokhti, Akhmet Gyunan and Ali Mansumu, who had participated in terrorist acts committed in Osh, Kyrgyz Republic (explosions in a minibus taxi and a block of flats resulting in loss of life), were sent to the Office of the General Prosecutor of the Republic of Kazakhstan.

The requests for the extradition of the aforementioned persons were granted and they were prosecuted for terrorism by the Investigation Department of the Ministry of National Security for the Osh region and condemned to imprisonment for various terms.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States?

On 21 June 2000, in Moscow, the Council of Heads of State of the Commonwealth of Independent States (CIS) decided to establish the CIS Anti-Terrorist Centre. On 14 January 2002, a structural subdivision of the Anti-Terrorist Centre was opened in Bishkek.

On the basis of proposals by Commonwealth bodies, the CIS Council of Heads of State considered and approved in 2000 a package of draft texts relating to the implementation of joint measures to combat organized crime, international terrorism and other forms of extremism. These included the Programme to Combat International Terrorism and Other Forms of Extremism up to the Year 2003.

The adoption by the CIS Council of Heads of State of the Inter-State Programme of Joint Measures to Combat Crime for the Period 2000-2003 and of the Programme of CIS Member States to Combat International Terrorism and Other Forms of Extremism up to the Year 2003 constitutes the basis for the further development of cooperation in combating crime, international terrorism and other forms of extremism. The Kyrgyz Republic has adopted a national plan for the implementation of these programmes.

A Standing Regional Operational Unit of the collective rapid-deployment forces, established for work in the Central Asian region on the basis of a proposal made by Kyrgyzstan within the framework of the CIS Treaty on Collective Security, is already functioning in Bishkek. A Central Asian region Operational Unit of the CIS Anti-Terrorist Centre has been created in Bishkek, at our initiative, within the framework of the Commonwealth, and work is actively under way on the establishment in the Kyrgyz capital of a regional anti-terrorist structure of the Shanghai Cooperation Organization for preventing and combating international terrorism. We intend to work actively within these structures and to do what we can to contribute to the common cause of combating this threat.

Since 1992, the Kyrgyz Republic has acceded to or ratified approximately 70 international legal instruments regulating joint operations and procedures for the provision of legal assistance in investigating and suppressing terrorism, at both the interdepartmental (bilateral and multilateral) and inter-State international levels.

The international treaties and agreements signed by the Kyrgyz Republic in 2000-2001 include:

- Agreement of 14 September 2001 on Cooperation among the States Members of the Eurasian Economic Community concerning Information on Border Issues;
- Declaration of 14 September 2001 by the Heads of Government of the States Members of the Shanghai Cooperation Organization;
- Decision of 1 December 2000 on the CIS Member States' Anti-Terrorist Centre;
- Treaty of 27 September 2000 between the Kyrgyz Republic and the Republic of Uzbekistan on Cooperation in the Military and Military-Technical Fields;
- Dushanbe Declaration of 5 July 2000 by the Heads of State of the Republic of Kazakhstan, the People's Republic of China, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan;
- Decision of 21 June 2000 on the establishment of the CIS Member States' Anti-Terrorist Centre;
- Treaty of 21 April 2000 between the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan on Joint Operations to Combat Terrorism, Political and Religious Extremism, Transnational Organized Crime and Other Threats to the Stability and Security of the Parties;
- Baku Declaration of 8 April 2000 by the Heads of Turkic-Speaking States;
- And others.

Domestic procedures have been completed for the entry into force and ratification of the following instruments:

- Treaty on the Procedures for the Stay of and Cooperation among Officials of Law Enforcement Authorities in the Territory of CIS Member States (18 January 2001);
- Agreement on Cooperation among CIS Member States in the Fight against Terrorism (18 January 2001).

Cooperation takes place and legal assistance is provided within the framework of the International Criminal Police Organization (Interpol), the Shanghai Cooperation Organization and CIS.

Inter-State programmes of joint measures to combat crime, terrorism and extremism are being implemented, inter alia, the Programme of CIS Member States to Combat International Terrorism and Other Forms of Extremism up to the Year 2003 and the Inter-State Programme of Joint Measures to Combat Crime for the Period 2000-2003.

The main issues relating to cooperation among CIS member States, provision of legal assistance in criminal matters, requests for and granting of available evidence are governed by the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993.

(The Coordinating Council of Procurators-General of CIS Member States has drafted a new version of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, which has been sent to the CIS Executive Committee in order to be submitted, in accordance with the established procedure, for consideration by the CIS heads of State.)

In 2000-2001, within the framework of these agreements, the law enforcement authorities of the CIS member States **conducted strategical-preventive and special operations coordinated on a bilateral and multilateral basis**: operations "Arsenal", "Border", "Anti-Terrorism Vortex", "Passenger", "Traffic", "Channel", "Alien", "Motor Vehicle Convoy", "Border Covering Force — 2000", "Migrant", "Illegal" and others.

These operations were aimed at taking measures to prevent and suppress terrorist acts and the activities of transnational groups engaged in illicit trafficking in arms, narcotics, cultural artefacts, non-ferrous metals and excisable goods, illegal migration and the commission of crimes on international transportation routes and in the motor vehicle business.

The conduct of joint measures to counteract crime in border areas at the level of regional and local law enforcement authorities has been intensified. Official contacts and efficiency in resolving issues relating to the security of CIS member States are being enhanced.

In March-April 2000, the Headquarters for the Coordination of Military Cooperation among CIS Member States conducted a joint command-post exercise "Commonwealth-2000 Southern Shield" with the theme "Preparing and conducting operations to eliminate bandit units in the Central Asian region".

The CIS Anti-Terrorist Centre has begun operations and recruitment is under way.

Currently, draft regulations on plenipotentiary representatives of CIS member States in the CIS Anti-Terrorist Centre are being finalized and agreed. Draft regulations on the procedures for conducting joint anti-terrorist measures in the territory of CIS member States have been prepared.

Work is under way on the formation of specialized databanks and on the exchange of information among the ministries of internal affairs, border services, security organs and special services of the CIS member States.

An international scientific and practical conference on the development of cooperation among the law enforcement authorities of the CIS member States in combating crime, international terrorism and other forms of extremism took place within the Framework of the CIS Executive Committee on 21 and 22 March 2001.

The magazines *Procuratorial and Investigative Practice*, *Commonwealth Border Guard* and *Security Organs' Information Bulletin* are published by the CIS organs with a view to exchanging information and work experience in combating crime and international terrorism.

Cooperation is being developed on issues relating to the training of personnel in the education institutions and centres of the CIS member States.

Subparagraph (g) — How do border controls in your country prevent the movement of terrorists? What measures exist to prevent the forgery of documents?

Kyrgyzstan is working to ensure its national security and sovereignty under complex conditions, attempting to make maximum use of its membership in the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Economic Cooperation Organization, the World Trade Organization (WTO), the Partnership for Peace programme, the Commonwealth of Independent States (CIS) and its Collective Security Treaty, and the Shanghai Cooperation Organization.

Under article 15, paragraph 1, of the Act of the Kyrgyz Republic "on the national security organs of the Kyrgyz Republic", the national security organs **carry out intelligence and counter-intelligence activities; combat the intelligence and subversive activities of special services of foreign States and organizations and fight terrorism**, corruption, smuggling and drug trafficking; and participate in the defence of the constitutional system, sovereignty and territorial integrity of the Kyrgyz Republic against illegal encroachment.

Under article 310 of the Code on Administrative Responsibility, alteration and forgery of documents (invoices, bills of lading, etc.) are punishable by the imposition of an administrative fine amounting, in the case of citizens, to 10 to 20 times the minimum salary, and, in the case of officials, to 20 to 30 times the minimum salary.

Act No. 116 of the Kyrgyz Republic of 21 October 1999 "on the fight against terrorism" laid down the organizational and legal bases for the fight against terrorism and the arrangements for coordinating the activities of the bodies carrying out that fight.

Within the framework of the "Enduring Freedom" counter-terrorism operation, in the Kyrgyz Republic a number of measures have been taken in concert with States members of the counter-terrorism coalition. For instance, by decision No. 824 of 28 December 2001 of the Government of the Kyrgyz Republic "on the draft law of the Kyrgyz Republic 'on the ratification of note No. 011-22/1702 of 28 December 2001 sent by the Ministry of Foreign Affairs of the Kyrgyz Republic in reply to note No. 65/MAE of 7 December 2001 from the Embassy of the French Republic in the Kyrgyz Republic, which jointly constitute an Agreement between the Government of the Kyrgyz Republic and the Government of the French Republic'", the draft law was approved and submitted to the Zhogorku Kenesh of the Kyrgyz Republic for its consideration.

By decision No. 28 of 16 January 2002 of the Government of the Kyrgyz Republic "on the draft law of the Kyrgyz Republic 'on the ratification of note No. 011-22/60 of 14 January 2002 sent by the Ministry of Foreign Affairs of the Kyrgyz Republic in reply to note No. 419/01 of 15 December 2001 from the Embassy of Canada in the Kyrgyz Republic, which jointly constitute an Agreement between the Government of the Kyrgyz Republic and the Government of Canada'", the draft law was also approved and submitted to the Zhogorku Kenesh of the Kyrgyz Republic for its consideration.

We should also like to state that the appropriate steps for ratification by the Zhogorku Kenesh have just been completed with regard to an identical note sent in reply to a note from the Embassy of the United States of America.

Operative paragraph 3

Subparagraphs (a), (b), (c) and (d)

Replies can be found under paragraph 2 (f).

At the present time, such international conventions as the Convention of the Shanghai Cooperation Organization on Combating Terrorism, Separatism and Extremism of 15 June 2001 and the United Nations International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 have been studied by the appropriate committees of the Legislative Assembly of the Parliament of the Kyrgyz Republic and will very soon be submitted to a plenary session of that body for consideration.

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring that asylum-seekers have not been involved in terrorist activity before granting refugee status?

The draft law of the Kyrgyz Republic "on refugees" provides ways of dealing with the problems mentioned in the subparagraph. (The draft law is now being considered by the Zhogorku Kenesh of the Kyrgyz Republic.)

At present, such matters are dealt with under Government decision No. 664 of 12 October 1998 "on the confirmation of the Instructions on implementing the Act of the Kyrgyz Republic 'on arrangements concerning the stay of foreign nationals in the Kyrgyz Republic'".

Under the terms of **the Provisional Provision "on refugees in the Kyrgyz Republic"**, which was approved by Government decision No. 340 of 24 July 1996 (issued in the collected decisions of the Government of the Kyrgyz Republic No. 450 of 17 August 1999 and No. 505 of 1 September 2001), a **refugee** is defined as a person who is not a citizen of the Kyrgyz Republic and has been forced to leave the country of his nationality, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not being a citizen of the country of his former habitual residence and being outside that country as a result of such events, is unable or, owing to such fear, is unwilling to return to that country.

However, **a person who has committed crimes against peace or humanity or has committed war crimes or other serious premeditated crimes of a non-political nature may not be recognized as a refugee.**

The Migration Service Department in the Ministry of Foreign Affairs of the Kyrgyz Republic cooperates with the National Security Service of the Kyrgyz Republic, the Ministry of Internal Affairs, and the Group of Russian Federation Border Troops in the Kyrgyz Republic in ascertaining whether an applicant meets the criteria for refugee status, in carrying out procedures to identify individuals and in verifying information provided by applicants.

(See also the answers to paragraphs 2 (c) and 2 (d).)

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation from being recognized as grounds for refusing requests for the extradition of alleged terrorists.

The Kyrgyz Republic **has acceded to the Convention relating to the Status of Refugees** (by resolutions Z No. 241-1 of 30 October 1995 of the Legislative Assembly of the Zhogorku Kenesh of the Kyrgyz Republic and P No. 255-1 of 6 March 1996 of the Assembly of People's Representatives of the Zhogorku Kenesh of the Kyrgyz Republic) and incorporated it into its national legislation.

Under **the Provisional Provision "on refugees in the Kyrgyz Republic"**, an application for refugee status shall not be accepted for consideration if the person submitting it has been denied refugee status in any of the States that have acceded to the 1951 United Nations Convention relating to the Status of Refugees and to its 1967 Protocol relating to the Status of Refugees.

A person may be deprived of his refugee status by the Migration Service Department of the Ministry of Foreign Affairs of the Kyrgyz Republic:

- if he intentionally gave false information that provided the basis for his being granted refugee status. He may be required by court order in that case to reimburse all costs borne by the Kyrgyz Republic in connection with his reception, living arrangements and other support;
- when the circumstances that had led to his having been granted refugee status no longer apply. In that case, the person may no longer refuse to avail himself of the protection of the country of his nationality and must return to that country or, if he is stateless, to the country of his permanent residence.

Under Kyrgyz law, **terrorism and terrorist acts are not considered to be political crimes** but are regarded as especially serious crimes.

Kyrgyzstan has signed international treaties and agreements on the extradition of persons guilty of crimes, including terrorism, and **there has not been a single case of refusal to extradite (hand over) persons who have participated in terrorist acts, on the grounds that such crimes are considered political**.

In March 1999, for instance, Kyrgyz law enforcement agencies in Bishkek detained nine nationals of the Republic of Uzbekistan who had participated in terrorist acts in Tashkent in February 1999.

Upon the requests for extradition submitted by the General Prosecutor's Office of the Republic of Uzbekistan, all of the detained were handed over to the law enforcement agencies of that State, where they were tried for and convicted of terrorism.

III. Additional information

Statistical data show that, in 2001, the courts of the Kyrgyz Republic examined the following types of offences under the Criminal Code:

Legalization of funds or other property obtained illegally (article 183): no cases;

Terrorism (article 226): no cases;

Seizure of hostages (article 227): no cases;

Intentionally supplying false information about a terrorist act (article 228): no cases;

Organization of illegal armed groups or participation in such groups (article 229): two cases;

Illegal manufacture or repair of weapons (article 242): three cases;

Illegal sale of narcotic substances (article 247): 454 cases;

State treason (article 292): no cases;

Attempt on the life of a State official or a public figure (article 294): no cases;

Attack against persons or agencies that enjoy international protection (article 376): no cases.

The needs of the Kyrgyz Republic

In accordance with paragraph 4 of the Counter-Terrorism Committee's programme of work for the period from 28 December 2001 to 27 March 2002, the Kyrgyz Republic wishes to inform the Committee that it needs technical and financial assistance from States Members of the United Nations to assist its executive, legislative and judicial bodies in combating terrorism, inter alia in strengthening the defence of its borders, equip the checkpoints and crossing points with special equipment, and so forth.

The Government of the Kyrgyz Republic will provide a specific list of needs if some Government or group of Governments wishes to offer some kind of assistance.